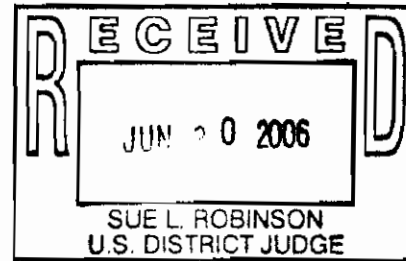


RAYNES McCARTY
TRIAL AND APPELLATE LAWYERS

Gerald A. McHugh, Jr.
Direct Dial: 215-255-4445
gamchugh@raynesmccarty.com

June 29, 2006

The Honorable Sue L. Robinson
J. Caleb Boggs Federal Building
844 North King Street
Room 6124
Lockbox 31
Wilmington, DE 19801



Re: ***Murray v. Vail Products, Inc.***
Civ. No. 06-039

Dear Judge Robinson:

With this letter I am enclosing a hard copy of the Proposed Order governing scheduling of the case.

I believe that it comports with the agreement of counsel entered during our telephone conversation on Tuesday.

I am forwarding the proposed order by mail, because I have learned that until I am certified by the Clerk, I am unable to submit an electronic filing. Unfortunately, our local counsel, Bart Dalton, is traveling. Rather than delay matters, I thought it best to communicate by mail.

We will take the appropriate steps to make certain that future submissions to the court can be made electronically as well. On behalf of both parties, thank you for your consideration during our recent status conference.

Respectfully yours,

GERALD A. McHUGH, JR.

GAM/pc

Enclosure

cc: Fred B. Buck, Esquire

Reply to Rittenhouse Square:

1845 Walnut Street, 20th Floor,
Philadelphia, PA 19103
(215) 568-6190 • Fax (215) 988-0618

www.raynesmccarty.com

116 White Horse Pike
Haddon Heights, NJ 08035
(856) 854-1556

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ANNA MURRAY,)
Plaintiff,)
) Civ. No. 06-039
v.)
)
VAIL PRODUCTS, INC.,)
Defendant.)

PROPOSED ORDER

At Wilmington this day of 2006 , the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b) .

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties have exchanged the information required by Fed. R. Civ. P. 26(a)(1) and D. Del., LR 16.2.

- ## 2. Discovery.

(a) Discovery will be needed on the following subjects: (brief description of subjects on which discovery will be needed). **This case involves the death of a young boy allegedly due to entrapment in a Vail Enclosed Bed System. Discovery will be necessary on a variety of subjects including engineering, design, manufacturing, FDA compliance and prior claims history, which, to date, includes at least 7 other deaths, allegedly attributable to the design of the bed. Discovery may also be required on issues relating to a statute of limitations defense.**

- (b) All discovery shall be commenced in time to be completed by **12/31/06**.
- (c) Maximum of **150** interrogatories by each party to any other party.

- (d) Maximum of **500** requests for admission by each party to any other party.
- (e) Maximum of **12** depositions by plaintiff and 10 by defendant.
- (f) Each deposition limited to a maximum of **6** hours unless extended by agreement of parties.
- (g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by **1/31/07**. Rebuttal expert reports due by **2/28/07**.
- (h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. **Joinder of other Parties, Amendment of Pleadings, and Class Certification.**

All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before **8/1/06**.

4. **Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring ADR.

5. **Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before **3/15/07**. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the court.

6. **Applications by Motion.** Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of

papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.**

7. **Motions in Limine.** All motions in limine shall be filed on or before **8/27/07**. All responses to said motions shall be filed on or before **9/4/07**.

8. **Pretrial Conference.** A pretrial conference will be held on **9/11/07** at **4:30 p.m.** in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for **a one week jury trial** commencing on **9/24/07** in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

United States District Judge